

804 KAR 1:110. Distilled spirits and wine tastings.

RELATES TO: KRS 244.050, 244.240

STATUTORY AUTHORITY: KRS 241.060

NECESSITY, FUNCTION, AND CONFORMITY: KRS 244.240 prohibits a distiller, rectifier, winery, or wholesaler from making any gift or rendering any kind of service to any licensee under KRS 243.030 which in the sound judgment of the board may tend to influence the licensee to purchase the product of the distiller, rectifier, winery, or wholesaler. This administrative regulation permits a distiller, rectifier, winery, or wholesaler of distilled spirits or wine to conduct educational meetings with a retailer of distilled spirits or wine consistent with modern marketing practices and three (3)-tier law.

Section 1. A distiller, rectifier, winery, or wholesaler of distilled spirits or wine licensed under KRS 243.030 may conduct an educational meeting for the purpose of introducing new product or packaging, if:

- (1) The meeting is held at a premises licensed to sell alcoholic beverages at retail;
- (2) Each attendee holds or is employed by the holder of a license to sell distilled spirits or wine at retail;
- (3) No minor possesses an alcoholic beverage;
- (4) Only distilled spirits, wine, and hors d'oeuvres are served;
- (5) No attendee carries an alcoholic beverage away from the licensed premises at which the educational meeting takes place;
- (6) No attendee keeps any gift or favor received in connection with the educational meeting;
- (7) The distiller, rectifier, winery, or wholesaler gives the Department of Alcoholic Beverage Control at least ten (10) days advance written notice of the time and place of the educational meeting, details of the planned activities, and the estimated cost per attendee; and
- (8) The educational meeting does not include a distillery or winery tour.

Section 2. (1) A distiller, winery, rectifier, or wholesaler of distilled spirits or wine may participate in a private party or fundraiser conducted by a bona fide charitable organization, church, or civic group at which distilled spirits or wine is served, if:

- (a) The private party or fundraiser takes place at a premise licensed or temporarily licensed to sell distilled spirits or wine by the drink at retail;
 - (b) The bona fide charitable organization, church, or civic group purchases all distilled spirits and wine for the private party or fundraiser from the retail licensee at whose premises it takes place; and
 - (c) The participation of a distiller, winery, rectifier, or wholesaler of distilled spirits or wine is limited to addressing the attendees, distributing literature, and pouring and serving distilled spirits or wine.
- (2) The distiller, rectifier, winery, or wholesaler that is conducting the event and retail licensee shall be liable for any violation of alcoholic beverage control law related to the event.

Section 3. (1) A distiller, winery, small farm winery, or wholesaler of distilled spirits or wine may participate in a sampling event, if:

- (a) The sampling event strictly complies with KRS 244.050(3), and takes place at a retail licensed premises where a sampling license authorized by KRS 244.050(2) is held;
- (b) The retail license holder at whose premises the sampling event takes place purchases the samples from a licensed wholesaler of distilled spirits or wine before selling them at retail; and

(c) The participation of a distiller, winery, small farm winery, or wholesaler of distilled spirits or wine is limited to addressing the customers, distributing literature, and pouring and serving distilled spirits or wine.

(2) The distiller, winery, small farm winery, or wholesaler that is conducting the event and retail licensee shall be liable for any violation of alcoholic beverage control law related to the event. (10 Ky.R. 97; eff. 8-7-1984; TAm eff. 8-9-2007; TAm eff. 4-30-2013; 40 Ky.R. 1448; 2130; eff. 4-4-2013.)